



VESSEL REGISTRATION AGENT HANDBOOK

APPLICATION REQUIREMENTS FOR A VESSEL AGENT

PURPOSE

The purpose of this pamphlet is to assist the prospective vessel agent by describing the requirements to become a vessel agent.

WHAT IS A VESSEL AGENT?

A “vessel agent” is any individual who offers to sell or register watercraft capable of being used as a means of transportation on the water, except as listed in CVC Section 9840 (1)-(3).

BACKGROUND INVESTIGATION

A background investigation is conducted on all applicants. Failure to disclose any and all convictions may result in the refusal or denial of your acting as a vessel agent. The department may refuse to issue an approval to any applicant who has been convicted of a crime or committed any act or engaged in any conduct involving moral turpitude which is substantially related to the qualifications or duties of the licensed activity. A conviction based on plea of nolo contendere is a conviction within the meaning of this section. *CVC Section 11703*. Persons previously working under a license issued by DMV, which was revoked or suspended for cause may also be denied a license. In addition, the California Code of Regulations (CCR) and other sections of the California Vehicle code provide guidelines used by the department in determining whether a license should be issued. CCR, Title 13, Chapter 1.

REQUIREMENTS FOR A VESSEL AGENT

Every applicant who desires to issue DMV boat stickers will be required to file an application with the Department of Motor Vehicles.

VESSEL AGENT’S FORMS

An application for a vessel agent consists of:

- OL 35**, Accountable Item Log
- OL 54**, Application for Appointment as Non-Public Undocumented Vessel Registration Agent
- OL 261**, Agreement for Appointment as an Undocumented Vessel Registration Agency, etc.
- Live Scan Fingerprint Receipt (if not already a licensed dealer)

VESSEL AGENT LICENSE - FREQUENTLY ASKED QUESTIONS

Listed below are the most frequently asked questions. This list is not all inclusive nor is it intended to be. If you have any questions, please contact your local Inspector or call (916) 657-6530.

Where can I obtain application forms?

All forms and application packages can be ordered by calling (916) 657-6530 or printed or downloaded from the internet.

<http://www.dmv.ca.gov>

Where do I file my application?

Application packages for a vessel agent are submitted to your local Occupational Licensing Inspector. If you have general licensing questions you may call (916) 657-6530.

What is live scan fingerprinting?

Live Scan is inkless electronic fingerprinting. The fingerprints are electronically transmitted to the Department of Justice (DOJ) for completion of a criminal record check.

Who is affected by it?

Anyone applying for the first time to be licensed as a vehicle salesperson, dealer, driving instructor or any other vehicle industry related occupation licensed by DMV will be live scan fingerprinted. It also applies to first time applicants for an ambulance driver certificate.

Why “Live Scan” fingerprinting?

As a result of legislation in late 1997, DOJ has developed an automated background check process that requires digitized fingerprints (“Live Scan”). Beginning January 1, 2000, DOJ has asked that fingerprints be submitted by Live Scan rather than hard copy fingerprint cards. Digitizing the fingerprints enables the electronic transfer of the fingerprint image data along with personal descriptor information to computers at the DOJ in a matter of seconds, instead of the days required to send hard copy fingerprint cards through the mail. DOJ’s goal is to process 95% of the digitized fingerprints within 3 days.

When does it start?

Live scan fingerprinting for DMV applicants will start January 1, 2000.

What is the cost to be live scan fingerprinted?

The live scan fingerprinting service fee varies from about \$5 to \$20. The cost to electronically fingerprint the applicant is determined by the local live scan agency. According to DOJ, they can charge a fee sufficient to recover their costs. The \$32 DOJ criminal record check fee is also collected at the live scan site.

What will the applicant need to do to be live scan fingerprinted?

The applicant can call the local police or sheriff’s department to find their local Live Scan sites that are open to the general public. The applicant can also call the department’s Occupational Licensing offices in Sacramento (916) 657-6621 or Los Angeles (213) 744-7563 and be mailed the department’s live scan request form. A sample of the department’s live scan form can be found on the Internet. If the licensee does not use the department’s live scan form, it is suggested that he/she take a sample of the form with them to ensure the live scan has all the information needed for transmitting the data to Occupational Licensing.

Note: the applicant must go to a Live Scan site to be Live Scan fingerprinted before applying for an occupational license at DMV. If you have held an Occupational License issued by DMV in the past 3 years, you may not require a new set of prints.

Where are the live scan sites?

There are more than 130 live scan sites throughout the state. A current list of DOJ’s Live Scan stations is available through DOJ’s internet web page. The internet address is:

<http://caag.state.ca.us/app/contact.pdf>

Or, you may call your local police or sheriff’s department for the nearest Live Scan station that is available to the general public.

What are the benefits of Live Scan?

Live Scan will avoid many of the problems associated with ink prints, such as smudging, smearing, and over or under inking. A major benefit of Live Scan is in processing speed since nearly all of those without criminal records are done within 3 days. Rolled ink prints (traditionally submitted on a fingerprint card) can take 10 to 12 days to process and up to 60 days if there is a criminal record.

VESSEL AGENT LICENSING AUTHORITY

California Vehicle Code. Section 9840. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

Definitions

9840. As used in this division, unless the context clearly requires a different meaning:

- (a) “Vessel” includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:
 - (1) A seaplane on the water.
 - (2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.
 - (3) A floating structure which is designed and built to be used as a stationary waterborne residential dwelling, which (A) does not have and is not designed to have a mode of power of its own, (B) is dependent for utilities upon a continuous utility linkage to a source originating on shore, and (C) has a permanent, continuous hookup to a shoreside sewage system.
- (b) “Owner” is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. “Owner” does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.
- (c) “Legal owner” is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any county, city, district or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.
- (d) “Registered owner” is the person registered by the department as the owner of the vessel.
- (e) “Waters of this state” means any waters within the territorial limits of this state.
- (f) “State of principal use” means the state on which waters a vessel is used or intended to be used most during a calendar year.
- (g) “Undocumented vessel” means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.
- (h) “Use” means operate, navigate, or employ.

Amended Ch. 411, Stats. 1984. Effective January 1, 1985.

California Code of Regulations, Title 13, Division 1, Chapter 1

ARTICLE 3.2, REGISTRATION OF VEHICLES.

§ 190.00 Display of Numbers.

- (a) The number issued to each undocumented vessel shall be displayed in the following manner:
 - (1) Be painted on or permanently attached to each side of the forward half of the vessel.
 - (2) Be in plain vertical block characters of not less than 3 inches in height.
 - (3) Contrast with the color of the background and be distinctly visible and legible.
 - (4) Have spaces or hyphens that are equal to the width of a letter other than “I” or a number other than “1” between the prefix and the number, and the number and the suffix.

EXAMPLE: CF 1234 AB

- (5) Letters and numbers to read from left to right.
- (b) Vessels used by a manufacturer or by a dealer for testing or demonstrating shall have the number painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.
- (c) On inflatable vessels or on vessels so configured that a number on the hull or superstructure would not be clearly visible or properly adhere, the number shall be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.
- (d) No numerals, letters or devices other than those used in connection with the state number issued shall be placed in the proximity of the state number, and no numerals, letters or devices which might interfere with the ready identification of the vessel by its state number shall be carried on any part of the vessel.

NOTE: Authority cited: Sections 1651 and 9853.2, Vehicle Code. Reference: Sections 9850, 9853.2 and 9857, Vehicle Code; and CFR, Title 33, Sections 173.19, 173.27, 174.13 and 174.14.

HISTORY:

- 1. Change without regulatory effect renumbering former Section 300.00 to Section 190.00 and amending article heading filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.01 Registration Stickers.

The registration stickers issued by the department under the authority of Vehicle Code Section 9853.4 to identify a vessel as currently registered shall be securely affixed on each side of the vessel three inches aft (toward the stern) of and directly in line with the registration numbers and shall be so maintained as to be clearly visible at all times.

NOTE: Authority cited: Sections 1651 and 9853.4, Vehicle Code. Reference: Section 9853.4, Vehicle Code; and CFR, Title 33, Section 174.15.

HISTORY:

- 1. Change without regulatory effect renumbering former Section 300.01 to Section 190.01 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.02 Proof of Ownership.

Proof of ownership of vessels may be established for the purposes of Vehicle Code Section 9852 by one of the following:

- (a) A Bill of Sale executed by the seller showing the name and address of the seller, name and address of the purchaser, the name and address of the legal owner if any, the location and date of sale, and description of the vessel; or a Certificate of Sale executed by the seller under oath showing the information required to be shown on the Bill of Sale.
- (b) A properly endorsed document indicating title if the vessel has been numbered and issued a title by another state.
- (c) Where neither (a) nor (b) above is appropriate, an affidavit executed by the applicant fully setting forth the facts to support applicant's claim of ownership in the vessel. Affidavits for materials used in construction of homemade boats shall be supported with Bills of Sale for major components.
- (d) A Certificate of Origin, Bill of Lading or Invoice describing the vessel shall be required from any dealer who upon application for original registration lists himself as the owner of the vessel when such vessel is obtained through the dealer's inventory.

NOTE: Authority cited: Sections 1651 and 9852, Vehicle Code. Reference: Section 9852, Vehicle Code; and CFR, Title 33, Section 174.31.

HISTORY:

- 1. Change without regulatory effect renumbering former Section 300.02 to section 190.02 filed 7-19-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 30).

§190.03. Department Agents' Authorization.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858, 9858.1 and 9859, Vehicle Code.

HISTORY:

- 1. Change without regulatory effect renumbering former Section 300.03 to Section 190.03 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).
- 2. Renumbering and amendment of former section 190.03 to new Section 190.30 and amendment of Note filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§190.04. Definition of a Livery Boat.

A livery boat is any vessel subject to registration under the California Vehicle Code, that is held primarily for the purpose of renting, leasing or chartering to others.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9840 and 9850, Vehicle Code; and CFR, Title 33, Section 174.19.

HISTORY:

- 1. Change without regulatory effect renumbering former Section 300.04 to Section 190.04 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.05. Definition of a Vessel Carrying Passengers for Hire.

Vessels carrying passengers for hire means any vessel subject to registration under the California Vehicle Code which is held for use for the carriage of any person by such vessel for valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9840 and 9850, Vehicle Code; and CFR, Title 33, Section 174.19.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.05 to Section 190.05 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).
2. Amendment filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§190.06. Definition of a Boat Manufacturer.

A boat manufacturer is a person who is engaged wholly or in part in the business of building or assembling vessels who subsequently offers these vessels for sale and receives or expects to receive money, profit or any other thing of value resulting from such transactions.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 9840, Vehicle Code.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.06 to Section 190.06 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.07. Definition of a Boat Dealer.

A boat dealer is a person who is engaged wholly or in part in the business of selling or offering for sale, buying or taking in trade for the purpose of resale, or exchanging, any vessel or vessels and receives or expects to receive money, profit, or any other thing of value.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9856 and 9912, Vehicle Code.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.07 to Section 190.07 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.08. Certificates of Number for Dealer, Manufacturer, Livery Vessel and Vessel Carrying Passengers for Hire.

- (a) The Certificates of Number for dealer, manufacturer, livery vessels, commercial vessels of less than five net tons and vessels carrying passengers for hire shall be clearly marked to show the vessel use.
- (b) All applications for numbering of such vessels shall be submitted directly to the Department of Motor Vehicles, Sacramento, who may upon approval after the payment of the required fees issue a vessel number with distinctive suffix letters.
- (c) Dealer or manufacturer numbers shall only be temporarily attached to the vessel during demonstration or test period and are valid for that period of demonstration or test only.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9850, 9853, 9853.1-9853.3, Vehicle Code; CFR, Title 33, Sections 173.27 and 174.19; and CFR, Title 46, Section 67.01-11.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.08 to Section 190.08 filed 7-19-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 30).

§190.09. Terms and Conditions for Vessel Registration and Numbering.

The issuance of Certificates of Ownership and Number may be conditioned on:

- (a) Title to, or other proof of ownership of a vessel except a recreational-type public vessel of the United States, and
- (b) The payment of State or local taxes, except for such public vessels as defined in Section 9851 V.C.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9852, 9853.1, 9853.4, 9855 and 9858, Vehicle Code; and CFR, Title 33, Section 174.31.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.09 to Section 190.09 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.10. Contents of Applications for Certificate of Ownership and Certificate of Number.

- (a) Applications for Certificates of Ownership and Number shall contain the following information:

- (1) Name of the registered owner.
- (2) Address of the registered owner and ZIP code.
- (3) State in which vessel will be principally used.
- (4) Location of vessel, city and/or county.
- (5) Any number previously issued by an issuing authority for the vessel.
- (6) Whether the application is for a new number, renewal of a number, transfer of ownership, duplicate Certificates of Ownership or Number.
- (7) Whether the vessel is to be used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying or other commercial use.
- (8) Make of vessel.
- (9) Year vessel was manufactured and model year, if known.
- (10) Hull identification number.
- (11) Overall length of vessel.
- (12) Type of vessel.
- (13) Hull material.
- (14) Propulsion.
- (15) Fuel, gasoline, diesel or other.
- (16) Name and address of legal owner, if any.
- (17) Signature of the registered owner.

- (b) Applications made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes need only furnish items 1, 2, 6, 7 and 17 of paragraph (a).

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9852 and 9853, Vehicle Code; and CFR, Title 33, Section 174.17.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.10 to Section 190.10 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.11. Contents of Certificate of Number.

(a) Each Certificate of Number shall contain the following information:

- (1) Number issued to vessel.
- (2) Expiration date of the Certificate of Number.
- (3) State of principal use.
- (4) Name of the registered owner.
- (5) Address of registered owner, including ZIP code.
- (6) Name and address of legal owner, if any.
- (7) Use of vessel such as pleasure, livery, dealer or manufacturer for demonstration, commercial passenger carrying or other commercial.
- (8) Hull identification number.
- (9) Make of vessel.
- (10) Year manufactured and year model, if known.
- (11) Overall length of vessel.
- (12) Type of vessel.
- (13) Hull material.
- (14) Type of propulsion.
- (15) Fuel type, gasoline, diesel or other.
- (16) Information pertaining to change of ownership, documentation, theft or recovery of vessel, carriage of the Certificate of Number on board when vessel is in use; rendering aid in accidents and reporting casualties and accidents shall be contained on the Certificate of Number.

(b) A Certificate of Number issued to a manufacturer or dealer to be used on a vessel for demonstration purposes need only show items 1, 2, 3, 4, 5, 7 and 16 of paragraph (a) if the word “manufacturer” or “dealer” is plainly marked on the certificate.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9853 and 9853.1, Vehicle Code; and CFR, Title 33, Section 174.19.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.11 to Section 190.11 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).
2. Amendment of subsection (a)(16) filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§190.12. Validity of Certificate of Number.

- (a) The Certificate of Number shall become invalid after the date:
 - (1) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations.
 - (2) The owner of the vessel transfers all of his ownership in the vessel.
 - (3) The vessel is destroyed or abandoned.
- (b) A Certificate of Number shall be invalid if the application contains a false or fraudulent statement.
- (c) A Certificate of Number shall become invalid 60 days after the day on which the vessel is no longer principally used within the State of California.
- (d) The Certificate of Number shall become invalid when the person whose name appears on the certificate involuntarily loses his interest in the numbered vessel by legal process.
- (e) The Certificate of Number shall become invalid when the primary use of the vessel changes from the use indicated on the Certificate of Number pursuant to Section 190.11(a)(7).
 - (1) The owner of a vessel shall apply to the department for a new Certificate of Number when the primary use of the vessel changes from that indicated on the Certificate of Number.
 - (2) "Primary use of the vessel" means use that accounts for more than fifty percent of the operation of the vessel during a calendar year.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9853.1, 9855, 9858, 9864, 9874 and 9915, Vehicle Code; and CFR, Title 33, Section 173.77.

HISTORY:

- 1. Change without regulatory effect renumbering former Section 300.12 to Section 190.12 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).
- 2. New subsections (e)-(e)(2) filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§190.13. Removal of Stickers.

The number and sticker shall be removed from the vessel if the Certificate of Number becomes invalid for reasons contained in Section 190.12(a)(1), (b), or (c) of these regulations.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9853.4 and 9874, Vehicle Code; and CFR, Title 33, Section 173.33.

HISTORY:

- 1. Change without regulatory effect renumbering and amending former Section 300.13 to Section 190.13 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.14. Temporary Certificate of Number.

A Temporary Certificate of Number shall be issued to applicants in accordance with Section 9858 V.C. to be valid for 60 days from date of issue.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 9858; and CFR, Title 33, Sections 173.75 and 174.29.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.14 to Section 190.14 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.15. Hull Identification Numbers.

- (a) All vessels subject to registration under the California Vehicle Code shall display a hull identification number. On vessels built after 1971, this number shall consist of at least 12 characters in a configuration consistent with federal regulations.
- (b) Hull identification numbers will be assigned by the manufacturer or by the Department of Motor Vehicles upon failure by the manufacturer to assign the number.
- (c) The hull identification number shall be carved, burned, stamped, embossed or otherwise permanently affixed using letters and numerals not less than 1/4 inch in height to the outboard side of the transom, or if there is no transom to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the water line of the boat in such a way that alterations, removal or replacement would be obvious.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9871 and 9871.5, Vehicle Code; and CFR, Title 33, Sections 181.23, 181.25, 181.27 and 181.29.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.15 to Section 190.15 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.16. Fee-Exempt Boats.

- (a) Boats belonging to State, County, or City Governments and Federal agencies of the United States shall not be required to pay the fees provided for in Sections 9853, 9855 and 9860 of the California Vehicle Code.

NOTE: Authority cited: Section 9851, Vehicle Code. Reference: Section 9851, Vehicle Code.

1. Change without regulatory effect renumbering former Section 300.16 to Section 190.16 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.17. Recreational-Type Public Vessels.

Boats owned by the United States Armed Forces that are used for recreational purposes shall be known as “recreational-type public vessels.” The Department of Motor Vehicle, Sacramento, California, shall upon application issue a Certificate of Number and Certificate of Ownership to the Armed Forces Agency owning the vessel. Such vessels shall be exempt from payment of all fees.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 9851, Vehicle Code; and CFR, Title 33, Section 173.11.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.17 to Section 190.17 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.18. Fee-Exempt Annual Renewal.

The number issued to fee-exempt vessels shall contain suffix letters to designate the vessel as “fee-exempt.” Display of the number shall be in accordance with Section 190 of this regulation. A sticker shall

be issued to each vessel to identify it to be currently registered. Display of the sticker shall be in accordance with Section 190.01.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 9850, Vehicle Code.

HISTORY:

1. Change without regulatory effect renumbering and amending former Section 300.18 to Section 190.18 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.19. Racing Vessels.

Boats brought to this state exclusively for racing purposes and remaining for less than 90 days, may be exempted from registering and numbering in California, providing the state of origin also exempts such vessels.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9854 and 9873, Vehicle Code.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.19 to Section 190.19 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.20. Livery Vessels.

No person may operate a livery vessel unless that vessel has on board a valid Certificate of Number, a valid Temporary Certificate of Number, or a copy of the rental or lease agreement. The agreement must contain:

- (1) The signature of the owner of the vessel or his representative.
- (2) The signature of the person leasing or renting the vessel.
- (3) The vessel number that appears on the Certificate of Number.
- (4) The time period for which the vessel is leased or rented.

No obligation is created by these regulations (Sections 190.00 through 190.20) under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred in carrying on any program or performing any service required to be carried on or performed under these regulations.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 9853.3, Vehicle Code; and CFR, Title 33, Section 173.21.

HISTORY:

1. Change without regulatory effect renumbering and amending former Section 300.20 to Section 190.20 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.21. Notification to the Department.

A person whose name appears as the owner of a vessel on a Certificate of Number shall, within 15 days, notify the Department of:

- (a) Any change in his address.

(b) The loss or destruction of a valid Certificate of Number.

(c) The destruction or abandonment of the vessel.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9864, 9865 and 9911, Vehicle Code; and CFR, Title 33, Section 173.29.

HISTORY:

1. Change without regulatory effect renumbering former Section 300.21 to Section 190.21 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.22. Surrender of Certificate of Number.

A person whose name appears as the owner of a vessel on a Certificate of Number shall surrender the certificate in a manner prescribed by the Department within 15 days after it becomes invalid under Section 190.12, paragraphs (a)(1)(2)(3), (b), (c), (d).

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 9864 and 9900, Vehicle Code; and CFR, Title 33, Section 173.31.

HISTORY:

1. Change without regulatory effect renumbering and amending former Section 300.22 to Section 190.22 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§190.30. Department Agent's Authorization.

(a) Agents authorized by the department under Vehicle Code Section 9858 to accept registration applications of undocumented vessels shall be known as Undocumented Vessel Registration Agents. The appointment of such agents shall be at the pleasure of the department and they shall serve without compensation from the department.

(b) Undocumented Vessel Registration Agents may charge their customers a documentary preparation fee pursuant to Vehicle Code Section 9858.1.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858, 9858.1 and 9859, Vehicle Code.

HISTORY:

1. Renumbering and amendment of former Section 190.03 to new Section 190.30 and amendment of Note filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§190.32. Application for Appointment as an Undocumented Vessel Registration Agent.

(a) An applicant for appointment as an Undocumented Vessel Registration Agent shall submit to the department an Application for Appointment as Non-Public Undocumented Vessel Registration Agent, Form OL 54 (9/94).

(1) Another department-approved version of this form with a different revision date shall be acceptable if the content of the form is in substantial compliance with the requirements of this section.

(b) The Application for Appointment as Non-Public Undocumented Vessel Registration Agent shall contain the following information:

- (1) Information specifying the reason the application is being submitted.

- (A) An application shall be submitted for the original appointment, change of name or address, change of ownership structure, or when adding a branch location.
- (2) The business name, address and telephone number.
- (3) The days and hours the business is open for business and the days the business is closed.
- (4) The nature of the business.
- (5) The date the organization was established.
- (6) An indication of how the business is structured.
- (7) The date and state of incorporation, when the business is incorporated.
- (8) The name, residence address, telephone number, and driver license number of the owner, each partner, or each of the corporation's principal officers, depending on the business structure.
 - (A) When the business is a corporation, the application shall also include the corporate officer title of each of its principal officers.
- (9) An explanation of the bankruptcy, including the date and court of jurisdiction, if the applicant, any partner or officer has ever declared bankruptcy.
- (10) An explanation of the offense, including court information such as the charge, disposition, and, if available, the police arrest report, if the applicant, any partner or officer has ever been convicted of any misdemeanor or felony offense.
- (11) An indication as to whether the applicant, any partner, or corporate officer has ever been a Vessel Registration Agent for the state, has ever been a yacht and ship broker, or has ever been a Department of Motor Vehicles Occupational Licensee, and, if so, the license number and date of the license.
- (12) The applicant's Board of Equalization resale number.
- (13) A certification that the information provided on the application is true and correct, and an agreement to comply with the department's requirements as set forth in the Agreement of Appointment as an Undocumented Vessel Registration Agency to Represent the California Department of Motor Vehicles, Form OL 261 (11/94).
 - (A) The certification and agreement shall be dated and signed under penalty of perjury under the laws of the State of California by the sole proprietor, all individual partners of a co-partnership, or all principal officers of the corporation, depending on the business structure.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858 and 9859, Vehicle Code.

HISTORY:

- 1. New section filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§190.34. Responsibilities of Undocumented Vessel Registration Agents.

- (a) Each Undocumented Vessel Registration Agent shall agree to assume, as a condition of appointment, the following responsibilities:
 - (1) Maintain an established place of business.
 - (2) Be engaged in an activity directly related to boating.

- (3) Display a means of identification which will clearly indicate to the public the name of the business. Each separate branch of the business which will be authorized to conduct registration of vessels shall display such means of identification.
- (4) Maintain all supplies at the business location described on the Application for Appointment as Non-Public Undocumented Vessel Registration Agent, Form OL 54 (9/94).
- (5) Make available for review all accountable vessel registration items upon demand by an authorized department employee. Accountable vessel registration items shall include any item bearing a serial number and having a value attached to it.
- (6) Notify the Department of Motor Vehicles, Occupational Licensing Unit, P.O. Box 932342, Sacramento, CA 94232-3420, in writing no later than the first business day following the event of any of the following:
 - (A) Sale of business or change of terms in the agreement for appointment.
 - (B) Change of business structure, including the addition or deletion of partners or corporate officers.
 - (C) Change of business name or address.
 - (D) Adding or deleting a branch location.
 - (E) Lost or stolen accountable vessel registration items.
- (7) Upon sale or termination of the business, all accountable vessel registration supplies, applications, and fees shall be forwarded to the department no later than the first business day following the sale or termination.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858 and 9859, Vehicle Code.

HISTORY:

1. New section filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§190.36. Duties of Undocumented Vessel Registration Agents.

- (a) Each Undocumented Vessel Registration Agent shall agree to assume, as a condition of appointment, the following duties:
 - (1) Accept applications and fees for registration and transfer of vessels and issue Permanent Vessel Numbers, Temporary Certificates of Number, and vessel stickers to applicants.
 - (2) Forward a report every seven days listing all vessel registration transactions received during the previous seven days, accompanied by each application listed on the report and a single check or money order for all fees received for the registration of a vessel, to the address designated by the department no later than the close of business on the date shown on the report.
 - (A) The report shall be prepared on the Transmittal Record of Vessel Agent Registration Applications, Form ADM 173-1 (10/94) provided by the department. Another department-approved version of this form with a different revision date shall be acceptable if the content of the form is in substantial compliance with the requirements of this section.
 - (B) The Transmittal Record of Vessel Agent Registration Applications shall be completed in ink and shall include the following information: the business name, address, and telephone number; the agent's number; date submitted; the vessel's CF number, or, if a new vessel, the hull identification number or the last name of the registered owner; the amount of cash, check, or

credit media collected; the number of the sticker issued, miscellaneous receipts issued for transactions such as transfers, duplicates, etc.; an indication of whether a credit or refund is desired; an indication of the preferred delivery method; the total number of items by type submitted with the transmittal bundle; an authorized signature; and, the printed name of the person signing the report.

- (C) All accountable items issued shall be listed on the transmittal in numerical order.
 - (D) Each registration transaction processed shall be entered on the transmittal immediately after the receipt has been written.
 - (E) Three copies of the transmittal shall be sent weekly to the department, and the agent shall retain a fourth copy.
 - (F) A Transmittal of Vessel Agent Registration Applications shall be submitted indicating, "No transactions during week of xx/xx/xx" when no transactions have occurred during the week.
- (3) Process the types of vessel registration transactions indicated on the Agreement of Appointment as an Undocumented Vessel Registration Agency to Represent the California Department of Motor Vehicles, Form OL 261 (11/94).
- (A) These transactions shall include either or both: original vessel registration for new boats; or, vessel ownership transfer applications for used boats, registration renewals and applications for duplicate certificates and stickers.
 - (B) Agents shall register only those vessels they sell.
- (4) Complete and provide a Quarterly Physical Inventory of Accountable Items, Form BOAT 124-1 (12/94) by the fifth day of January, April, July, and October. Another department-approved version of this form with a different revision date shall be acceptable if the content of the form is in substantial compliance with the requirements of this section.
- (A) The Quarterly Physical Inventory of Accountable Items shall include a listing of receipts for new and used boats, as evidenced by the beginning and ending number of Certificates of Number and Temporary Certificates of Numbers issued, and the number of each on hand; a listing of the number of vessel stickers issued, as evidenced by the beginning and ending number of stickers issued and the number on hand, a listing of void receipts, and an authorized signature.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858 and 9859, Vehicle Code.

HISTORY:

1. New section filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§190.38. Agreement for Appointment as an Undocumented Vessel Registration Agent.

- (a) Each applicant for appointment as an Undocumented Vessel Registration Agent shall complete an Agreement for Appointment as an Undocumented Vessel Registration Agency to Represent the California Department of Motor Vehicles, Form OL 261 (11/94) on which the owner, all partners of a co-partnership, or all principal officers of a corporation, agree to assume the duties and responsibilities which are outlined in the agreement and reflect the requirements specified in the Vehicle Code and in regulation.
- (1) Another department-approved version of this form with a different revision date shall be acceptable if the content of the form is in substantial compliance with the requirements of this section.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858, 9858.1 and 9859, Vehicle Code.

HISTORY:

1. New section filed 8-21-95; operative 9-20-95 (Register 95, No. 34).

§191.00. Non-Motorized Surfboard-Like Vessels Exempted Under Vehicle Code Section 9873(e).

Non-motorized surfboard-like vessels over 8 feet in length, propelled solely by sail, and with a mast which is required to be held upright by the operator in order to sail are exempt from the numbering requirements of Vehicle Code Section 9850.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 9873, Vehicle Code.

HISTORY:

1. Change without regulatory effect renumbering former Section 301.00 to Section 191.00 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).

§192.00. Proof Documents Re Lien Sale Vessels.

All applications for the transfer of title of an undocumented vessel after a lien sale of such vessel under Article 4 (commencing with Section 500) of the Harbors and Navigation Code shall be accompanied by proof of the possessory character of the lien so that the department may be satisfied of the genuineness and regularity of the transfer pursuant to Vehicle Code Section 9915(b). For the purposes of such proof, “storage” means services rendered in the safekeeping of a vessel by a person not the owner who has a right of possession together with a duty to care for the vessel and may include mooring, berthage, wharfing and anchorage and rental of vessel trailer parking space done in the process of the storage of a vessel. “Storage” does not include the rental of mooring space or of vessel trailer parking space when there is no duty to keep the vessel safe when occupying such space. Costs of repair means all material and labor of a repairman when a vessel is put in his keeping for such purposes and may include costs of mooring, berthage, wharfing and anchorage and rental of vessel trailer parking space if such services are included in the repairman’s cost of handling a vessel for the purpose of repairing it.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 9915, Vehicle Code.

HISTORY:

1. Change without regulatory effect renumbering former Section 302.00 to Section 192.00 filed 7-19-93 pursuant to Title 1, Section 100, California Code of Regulations (Register 93, No. 30).